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C O N F I D E N T I A L SECTION 01 OF 02 DHAKA 000013

SIPDIS

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TAGS: [PGOV](#) [PHUM](#) [EAI](#) [D](#) [BG](#)

SUBJECT: BELEAGUERED NGO LEADER HOPEFUL BDG WILL RELEASE  
BLOCKED FUNDS

REF: 04 DHAKA 1647

Classified By: P/E Counselor D.C. McCullough, reason 1.4(b)

1. (C) Summary. Proshika Chairman Qazi Farooq is cautiously optimistic that "sympathetic" BNP leaders will release the USD 50 million in donor funds blocked for three years by the NGO Affairs Bureau because of Proshika's alleged financial and political misdeeds. Farooq blames Proshika's woes on Jamaat Islami disinformation, but BNP suspicions of socially progressive NGO's like Proshika run deep. End Summary.

2. (SBU) On December 30, polcouns met for 65 minutes with Proshika NGO Chairman Qazi Farooq Ahmed in Proshika's 14-story headquarters for an update since their last meeting in May (reftel) two days before Farooq's latest detention.

Beleaguered Proshika

3. (C) Farooq stated that:

-- There are 20 outstanding cases against him and senior Proshika officials, 15 relating to corruption, two to "anti-state" actions (i.e., pro-opposition political support), and three tied to assaults on Proshika premises last spring--"all with total government connivance and totally without foundation." All reflect First Information Reports (FIR), with no formal charges having been filed. "As far as I know, no investigation is being carried out." He has "anticipatory" bail for 17 cases. The High Court has excused him from appearing personally for the monthly court hearing on three cases, and the 15 corruption cases are, for his convenience, all heard on a single day. There are also 22 tax cases against him, and eight against Proshika.

-- High Court action forced the BDG to release him after his latest period of detention, and blocked efforts to hold him on remand, which contacts in the intelligence community had told him meant torture in a military interrogation cell. His current health is good, though his wife initially had trouble getting him insulin for his diabetes when he was in jail, where he also developed some heart problems. He lost 9 kilos in his one month of detention, before serving another month under house arrest.

-- He has the right to travel abroad but doesn't for fear his re-entry would be blocked or he'd be charged with "absconding."

-- The National Revenue Board (tax authorities) two days ago wrote one of Proshika's banks saying its accounts should be frozen because of a pending criminal tax liability, ignoring Proshika's legal right to appeal. Proshika's lawyers have told this and its other banks that compliance with this letter would be illegal and expose them to counter-claims.

-- People with close ties to the top of the BDG know the BDG has "over-reached" against Proshika, that there is little else they can do to harass it, and that the time has come for dialogue and reconciliation.

-- Two weeks ago, the High Court struck down the NGO Affairs Bureau's new demand for NGO's to re-register every five years, saying the requirement had no basis in law. A less onerous demand for renewing NGO licenses every five years remains in place.

4. (C) In September and November, Farooq said, he met separately with Local Government Minister/BNP Secretary General Abdul Mannan Bhuyian, PMO Political Secretary Haris Chowdhury, and several BNP MP's, including Prime Minister Zia's brother. All allegedly expressed support for Proshika's position, affirmed a desire to work with it on poverty alleviation, and undertook to promote a positive resolution of Proshika's standoff with the NGO Affairs Bureau. They did not raise Farooq's alleged pro-Awami League actions, and Bhuyian reportedly characterized the blocking of nearly USD 50 million in donor funds to Proshika for three years as a "mistake."

5. (C) Farooq continues to blame Proshika's woes on "rumor-mongering" by Jamaat Islami, which objects to Proshika's traditional emphasis on women's empowerment programs. He urged the international community, including

the USG, to "urge but not pressure" the BDG to release Proshika's funds.

#### Election Prospects

16. (C) Farooq hopes for a generally free and fair general election in 2007 provided the Electoral Commission and BDG accept proposed reforms to:

-- raise but then enforce the currently unrealistic spending cap of 300,000 taka (about USD 5,000) per constituency, and stop the sale by BNP and the Awami League of seat nominations for between 10-20 million taka;

-- use people other than inherently pro-BDG District Commissioners as election returning officers; and

-- use electronic voting.

17. (C) Farooq acknowledged concerns that the Caretaker Chief Adviser presumptive, the current High Court Chief Justice, has a BNP lineage but said, "He has been a good judge and has been able to rise above his party affiliation. Maybe he can do that again." Asked to comment on the speculated appointment this spring of Home Secretary Omar Farooq as the new Chief Election Commissioner, Farooq replied, "He would be totally unacceptable. He is not a man of integrity, and he has a long history as a Jamaat cadre. It is said that the Rohingya became armed and terrorists because of him, when he was commissioner in Chittagong."

#### Comment

18. (C) While it is positive that senior BNP figures like Bhuyian and Chowdhury received Farooq, BNP hard-liner suspicions of socially progressive NGO's like Proshika run deeper than Jamaat disinformation, and re-opening Proshika's donor pipeline seems unlikely. More typical of the BDG's approach to such NGO's is the apparent "Confidential" report, passed to us by another beleaguered NGO, Rupantar, from the Home Ministry's "Political Section" urging the NGO Affairs Bureau to cancel Rupantar's registration because of the alleged financial and political misdeeds of its CEO, Swapan Guha, who is essentially accused of being an Indian agent. More encouragingly, the High Court's intervention on behalf of Farooq and the NGO's shows Bangladesh's apex judiciary still has the ability to constrain BDG excesses, and the difference between it and the BDG-controlled lower courts. For the BNP, such independence underscores why the BDG is dragging its feet on implementing High Court directives and its own campaign promises to separate the judiciary from the executive.

THOMAS